IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WA.No. 2733 of 2002()

AGAINST THE JUDGMENT DATED 6.11.2001 IN O.P.NO.20482/1998

APPELLANTS: RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER, ERNAKULAM.

4. THE EXCISE INSPECTOR, PERUMBAVOOR RANGE, ERNAKULAM DISTRICT.

5. KERALA STATE BEVERAGES (MANUFACTURING & MARKETING) CORPORATION LIMITED, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA

RESPONDENTS: PETITIONERS:

1. K.P. BABY, S/O. MATHEW, BARMAN, FL-3 LICENCE NO.7 0/97-98, HOTEL JAYARAJ, PERUMBAVOOR, ERNAKULAM DISTRICT.

2. V.K. MALLIKA, W/O. LATE M.N. DAMODHARAN LICENSEE, FL-3 NO.70/97-98, HOEL JAYARAJ, PERUMBAVOOR, ERNAKULAM DIST.

3. BIJU KURIAKOSE, MANAGER, FL-3
LICENCE NO.78/97-98, HOTEL KELI, M.C.ROAD,
PERUMBAVOOR, ERNAKULM DIST.

4. M.P. VARGHESE, S/O. VARKEY PAPPACHAN,
LICENSEE, FL-3 NO.78/97-98, HOTEL KELI,
M.C. RAOD, PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.C.C. THOMAS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2733 OF 2002
and
C.M.P.NO.7252 OF 2002

Dated this the 15th June, 2007

JUDGMENT

H.L.DATTU, C.J.

The delay in filing the appeal is condoned.

2. The issue raised in this appeal is identical with the issue raised and considered by this Court in W.A.No.583 of 2002.

3. Respectfully following the observations made in the aforesaid decision, this appeal is also disposed of in the same terms, observations and directions.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/

H.L.DATTU, C.J. &
K.T.SANKARAN, J.

W.A.NO. 2733 OF 2002

JUDGMENT

15th June, 2007